



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2655

Introduced 1/20/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

215 ILCS 5/392.2 new

Amends the Illinois Insurance Code. Requires powers of attorney for fidelity and surety insurers making an agent an attorney-in-fact to execute bonds to be duly acknowledged and recorded in the circuit court clerk's office in certain circumstances. Provides that a power of attorney need not be filed if a copy or facsimile of the power of attorney is attached to the bond or other obligation. Provides that the power of attorney need only be filed once while it remains in effect. Provides that the power of attorney shall give the attorney-in-fact the power to bind the surety on any bond until the expiration or revocation of the power of attorney.

LRB094 17230 LJB 52519 b

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by adding
5 Section 392.2 as follows:

6 (215 ILCS 5/392.2 new)

7 Sec. 392.2. Powers of attorney.

8 (a) Each power of attorney for a fidelity and surety
9 insurer to an agent making that agent an attorney-in-fact to
10 execute any bond, as provided in paragraph (g) of Class 2 of
11 Section 4 of this Code, in the name and on behalf of the
12 insurer as surety shall, unless the power of attorney is
13 special and limited to one transaction or to definitely stated
14 transactions, be duly acknowledged and recorded in the clerk's
15 office of each circuit court where the powers delegated by it
16 are to be exercised. No recording is required in any court in
17 this State if the power of attorney or a copy or a facsimile
18 thereof, which may included a printed or facsimile signature or
19 corporate seal, in the name and on behalf of the insurer as
20 surety, is duly attached to or made part of the bond or other
21 obligation.

22 (b) Any power of attorney recorded under subsection (a) of
23 this Section shall require no additional filings as long as the
24 power of attorney remains in effect.

25 (c) For any power of attorney that must be recorded under
26 subsection (a) of this Section, the power of an
27 attorney-in-fact to bind the surety on any bond with the
28 authority conferred by a power of attorney shall, unless the
29 power of attorney is otherwise limited, continue until the
30 expiration of the power or until the power is revoked by the
31 surety with a written and sealed instrument duly acknowledged
32 and recorded in the county where the power of attorney is

1 recorded.